

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday February 1, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
www.wcc.ok.gov

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*MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Appeal Meeting of November 30, 2018, were considered for approval.

Chairman Liotta presented the minutes of the November 30, 2018, Meeting for approval.

**Motion:** Commissioner Tilly made a motion to approve the minutes of the November 30, 2018 Meeting.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**Alicia A. Breuer v. Bounce Back Rehab PLC, & State Farm Fire and Casualty Co., File #CM2017-02739F**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Norman Lemonik represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**Brian A. Cobb v. Insperity Inc., and Indemnity Insurance Co. of North America File #CM2017-05431Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur Adams represented the Claimant and Paul A. Scott represented the Respondent.

**Motion:** After reviewing the record, and deliberating, Commissioner Tilly moved to allow case to proceed after show cause order and briefing.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CASE MAY PROCEED**

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law

Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Bovas George v. Synergies 3 Tec Services LLC, and North American Specialty Insurance Co. File #CM2017-05267Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Esther M. Sanders represented the Claimant and Robert Paczkowski represented the Respondent.

**Motion:** After reviewing the record, and deliberating, Commissioner Tilly moved to allow case to proceed after show cause order and briefing.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CASE MAY PROCEED**

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**Dustin Wilson V. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant and Blake I. Whitten represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**Roger Bastien v. Mathis Brothers Furniture Co. Inc., (Own Risk #19602), File #CM2018-00536A**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur H. Adams represented the Claimant. David B. Custar represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law to be considered at a future meeting.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Jennifer O'Neal v. Wal-Mart Stores Inc., (Own Risk #20000), File #CM2017-03276Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel R. Paul represented the Claimant and Jennifer Aaron represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Kristal Nicholson v. University of Oklahoma, (Own Risk #14839), File #CM2018-01658J**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Eric W. Quandt is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

**Respondent attorney had a family emergency and was not able to attend. Upon agreement of the parties this case was continued to the next docket on February 22, 2019.**

**CONTINUED TO 2/22/19 DOCKET**

**Sherry A. Coffman v. Cornerstone Healthcare Group Management Services and Great American Alliance Insurance Co., File #CM2017-01612A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Sherry A. Coffman is pro se. and John Shears represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on October 19, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

**James E. Dunlap v. MITF, File # CM2015-08328XMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record hearing oral argument of counsel, and deliberating, the Commission took to continue this case for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Billy J. Schmidt v. MITF, File #CM2016-02288JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Tyler Henderson v. City of Tulsa (Own Risk #10435), File #CM2017-03933A**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Michael R. Green represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to continue all pending orders for consideration at the February 15, 2019, Special Meeting.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CONTINUED**

#### **D. Announcements**

Commission's next special business meeting is Thursday, February 14, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, February 22, 2019.

#### **ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 3:10 p.m.

***Second:*** Commissioner Russell

***Those Voting Aye:*** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**